

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

WESLEY J. CRAWFORD,

Petitioner,

v.

ORDER

Civil File No. 12-3071 (MJD/JJG)

SCOTT P. FISHER,

Respondent.

Wesley J. Crawford, pro se.

Erika R. Mozangue, Assistant United States Attorney, Counsel for Respondent.

The above-entitled matter comes before the Court upon Petitioner's Motion for Judgment as a Matter of Law Pursuant to Federal Rule of Civil Procedure 54(c) [Docket No. 13] and Petitioner's Petition for Common Law Writ of Mandamus Pursuant to Title 28 U.S.C. § 1361 [Docket No. 14], both filed on February 28, 2013. The Court dismissed Petitioner's application for habeas corpus relief on February 25, 2013. [Docket No. 11] Judgment in this case was entered on February 26. [Docket No. 12] The case is currently on appeal before the Eighth Circuit Court of Appeals. Petitioner's motions are appear moot and,

thus, subject to denial. However, if the Court construes these motions, which raise the same arguments Petitioner has previously raised in this case, as motions for reconsideration, then the motions are denied on the merits. In either event, Petitioner's motions are denied. This matter is now pending before the Eighth Circuit Court of Appeals, not this Court, and Petitioner is advised to direct his arguments to the appellate court.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner's Motion for Judgment as a Matter of Law Pursuant to Federal Rule of Civil Procedure 54(c) [Docket No. 13] is **DENIED**.
2. Petitioner's Petition for Common Law Writ of Mandamus Pursuant to title 28 U.S.C. § 1361 [Docket No. 14] is **DENIED**.

Dated: April 3, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court